Court No.2

Civil Writ Petition No. 291 (S/B) of 2003

V.P.Singh …….. Petitioner

Vs

State of Uttaranchal and others ……. Respondents

Hon. P.C.Verma, A.C.J.
Hon. Irshad Hussain,J.

Heard Sri S.S.Yada, learned counsel for the petitioner and learned standing counsel.

This writ petition has been filed seeking the a writ in the nature to certiorari to quash the impugned order dated 3.5.2003 passed by the Principal, Institute of Rural Development, Rudrapur, contained in Annexure 4 to the writ petition.

By the impugned order the petitioner has been sent back to Regional Institute of Rural Development, Rudrapur, Udham Singh Nagar, from where he was attached to Pauri. The petitioner was attached to Pauri by the orders of the Director, Administrative Academy, Nainital. The order impugned could not have been passed by the Principal of the Institute as he is not competent to pass such orders. He has recommended to the director for transfer of petitioner to Rudrapur, but no orders were passed. In the impugned order, the principal has given the reason that since no order has been passed by the Director, therefore, he is relieving him. The Principal has assumed the power of passing the impugned order, which is not vested in him. Therefore, for this abuse of his status, we required him to appear before this Court. To-day, he appeared and tendered unconditional apology and submitted that he wish to withdraw the order, which shall be considered non-est.

In view of this, no further order is required to be passed for quashing the impugned order. However, it is provided that Director, Administrative Academy, Nainital, Uttaranchal is directed to consider the recommendation of the concerned Principal in respect of the petitioner and pass appropriate orders within fifteen days from the production of the certified copy of this order. The Director shall also ensure payment of arrears of the salary of the petitioner within aforesaid period.

The petition is disposed of finally.

(Irshad Hussain,J.) **(P.C.Verma, A.C.J.)**

Dt. 23.05.2003

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